IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 26051 of 2007(B)

PETITIONER:

BALAMANI, D/O.KAVERIAMMA,
AGED 37 YEARS, PARAMELPADI THERUVU,
KONDAZHI, THALAPPILLI.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

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1. THE DEPUTY DIRECTOR OF PROSECUTION,
THRISSUR.

2. STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, PAZHAYANNUR POLICE
STATION, THRISSUR.

3. P.V.RAMACHANDRAN, THE ASSISTANT
PUBLIC PROSECUTOR, GRADE II, THRISSUR.

4. THE ASSISTANT PUBLIC PROSECUTOR,
JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUNNAMKULAM.

BY Government Pleader ADV.SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

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W.P.(C). No.26051 Of 2007

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Dated this the 24th day of August, 2007

JUDGMENT

The petitioner is the de facto complainant in in C.C.No.561/2002 pending before the Judicial First Class Magistrate Court -Kunnamkulam. There was an earlier order . I reckon it as order regarding arrangement of work issued by the Director of Prosecution, Thrissur. It was directed that Sr.P.V.Ramachandran Asst.Public Prosecutor must conduct the case. That order, it would appear from Ext.P1 was issued at the instance of the petitioner herein.

2. The grievance of the petitioner is that the said arrangement has now been discontinued without any information to the petitioner. The petitioner came to know of the modification of Ext.P1 arrangement only when he received summons to appear as a witness before the learned Magistrate for trial. The case filed as early in 2002 is scheduled for trial on 31.08.07. According to the petitioner, the subsequent order Ext.P4 cancelling Ext.P1 is bad for the reason that no notice has been given to the petitioner and that order was passed at the back of the petitioner. The case stands posted for trial to 31.08.07. This is an old case registered as early as in 2002.

3. I have heard the learned counsel for the petitioner and the

learned Government Pleader. I have perused Ext.P1 and Ext.P4 orders in detail. Ext.P4 shows that such order was passed at the request of the Assistant Public Prosecutor Sri.P.V.Ramachandran by name, who wanted to be relieved from the obligation to conduct the case ie.C.C.No.561/2002 on the strength of Ext.P1order. Ext.P1 order does not reveal appointment of any Special Public Prosecutor. It is only an order for arrangement of work issued by the Director of Public Prosecution, Thrissur. The Director of Public Prosecution, Thrissur passed Ext.P4 order after Ext.P1 order.

In this view, I find no vice in Ext.P1 which shall persuade this Court to invoke powers under article 226 of the Constitution of India or under Sec.482 Cr.P.C. In this writ petition no valid reason is raised to assail Ext.P4. In these circumstances, this writ petition is dismissed.

(R.BASANT, JUDGE)

sj